

Message Text

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PAGE 01 STATE 266649

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TO AMEMBASSY MEXICO CITY PRIORITY

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E.O. 11652: N/A

TAGS: CASC, MX (NICKERTZ, PETER JOSEPH)

SUBJECT: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO
(PETER JOSEPH NICKERTZ)

REF: 194199

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NEITHER DEPARTMENT NOR CONGRESSMAN STARK'S OFFICE HAS RECEIVED ANY ALLEGATIONS OR COMPLAINTS OF MISTREATMENT OR DENIAL OF RIGHTS IN NICKERTZ' CASE. WE WOULD, HOWEVER, APPRECIATE INFORMATION OR ACTION ON FOLLOWING POINTS.

1. VISITATIONS AND RECORDING: CONOFF'S VISITATIONS AND TELEPHONE CONTACTS NICKERTZ SATISFACTORY CONSIDERING HE IS IN VERACRUZ; HOWEVER, DEPARTMENT NOTES EMBASSY FILE INDICATES ONLY ONE CONTACT WITH NICKERTZ BETWEEN JUNE, 1974 AND AUGUST, 1975, WITH CONTACTS BY PHONE IN JULY AND SEPTEMBER 1974. BRIEF NOTATION SHOULD BE MADE IN FILE EACH TIME OF CONTACT.

2. ALLEGATIONS OF TORTURE/ABUSE AT TIME OF ARREST: EMBASSY FILE INDICATES NICKERTZ COMPLAINED TO CONOFF ON A VISIT TO THE JAIL TWO DAYS AFTER HIS ARREST, ABOUT BEING TORTURED TO FORCE A CONFESSION. ALTHOUGH FATHER-IN-LAW WAS ADVISED OF NICKERTZ' COMPLAINT OF FORCED CONFESSION THERE IS NO UNCLASSIFIED

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PAGE 02 STATE 266649

INDICATION IN FILE THAT EMBASSY HAD CHECKED INTO VERACITY

OF SUCH ALLEGATION. IF ANY SUBSTANCE TO ALLEGATION, ONLY FEASIBLE ACTION AFTER SUCH LONG LAPSE OF TIME APPEARS TO BE EMBASSY'S SUGGESTION TO NICKERTZ THAT HE ASK HIS ATTORNEY ABOUT UTILITY OF SEEKING REMEDY THROUGH COURTS. WITH REGARD TO GENERAL PROBLEM WE LOOK TO EMBASSY TO CONTINUE SEEKING SOLUTION AT THE FEDERAL LEVEL.

3. COMMISSIONED WORK FOR REDUCTION OF SENTENCE: POST IS REQUESTED TO DETERMINE WHETHER NICKERTZ SATISFIED HE HAS BEEN GIVEN FULL CREDIT FOR ALL COMMISSIONED WORK PERFORMED, PARTICULARLY, WHETHER HE WAS GIVEN CREDIT FOR TEACHING ENGLISH.

4. FIANZA: A NOTATION IN EMBASSY FILE STATES THAT DIRECTOR OF PRISON WAS OF THE OPINION THAT NICKERTZ SHOULD GET OUT SOMETIME IN AUGUST, 1975 ON FIANZA. SINCE SUBJECT RECEIVED SENTENCE OF EIGHT YEARS, AND DEPARTMENT UNDERSTANDS FIANZA APPLICABLE IN SENTENCES FIVE YEARS OR UNDER, WHAT WAS CIRCUMSTANCE THAT CAUSED DIRECTOR TO INDICATE POSSIBILITY OF FIANZA? ANY OUTCOME TO THIS DEVELOPMENT?

5. INACTION BY ATTORNEY/EXTORTION BY ATTORNEY: EMBASSY FILE INDICATES NICKERTZ DISSATISFIED WITH LEGAL SERVICES OF LIC. HECTOR CASO VILLA. HAS NICKERTZ OBTAINED SERVICES OF PUBLIC DEFENDER OR ATTORNEY OF HIS CHOICE? IF NICKERTZ WITHOUT LEGAL REPRESENTATION AT THIS TIME SUGGEST CONOFF DISCUSS WITH HIM OPTIONS AVAILABLE FOR SUCH REPRESENTATION.

6. EMBASSY SHOULD CABLE NO LATER THAN 11/24/75 STATUS OF ACTIONS INITIATED OR COMPLETED ON NICKERTZ. KISSINGER

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